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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,200	08/20/2003	Makoto Baba	112857-422	5741
29175	7590	12/17/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			GRANT, ROBERT J	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2838	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,200	BABA ET AL. <i>1bn</i>	
	Examiner	Art Unit	
	Robert Grant	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Hwang et al. (US 5,534, 366).

As to claim 1, Hwang expressly discloses, in figure 1, a battery pack comprising: a battery block (18) that houses one or more batteries in a battery package (Column 7, lines 4-5); a circuit block (14) housing a circuit in a circuit package (Column 7, line 6), the circuit having a measurement function associated with at least one of a use condition of the batteries, a measurement function associated with performance of the batteries, and a protection function to protect the batteries (Column 3, lines 29-34); and an outer case (16) capable of fitting in and housing the battery block and the circuit block, wherein the battery block and the circuit block can be independently removed and replaced from the outer case (Column 7, lines 7-10).

3. Claim 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mito et al. (US 5,818,198).

As to Claim 7, Mito expressly discloses a battery pack, in figures 4a, 4b, 5 comprising: an outer case (see items 21 and 22 in figures 4a and 4b) for housing one or more batteries (Column 6, lines 1-3) and a circuit having at least one of a measurement functions associated with a use condition of the batteries (Column 3, lines 30-35), a measurement function associated with performance of the batteries (Column 8, lines 47-52) and a protection function to protect the batteries (Column 9, lines 5-9), wherein inside of the outer case is completely separated into two chambers by a partition wall (figure 4a, element 26) and the batteries and the circuit are separately housed in the two chambers, respectively (column 10, lines 9-16).

As to Claim 8, Mito expressly discloses wherein the outer case (figures 4a and 4b) comprises: an open top lower case with an inside that is sectioned into a plurality of chambers by a lower partition wall (Figure 4 a); and an upper case having an upper partition wall with a groove (Figure 4b, element 28) corresponding to the lower partition wall such that the two chambers have hermetic structures (Column 3, lines 2-7) by formation of the partition wall by press fitting the lower partition wall (Figure 4a, element 26) into the groove of the upper partition wall (Figure 4b, element 28) and by forming a joint at an opening of the lower case.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Watanabe et al. (US 6,492,058).

As to claim 2, Hwang discloses all the limitations of claim one. Hwang does not expressly disclose wherein at least one of the battery package and the circuit package includes a hermetic package. Watanabe teaches that hermetical sealing can eliminate damage to protective circuits that can be caused by electrolyte leakage or moisture ingress (Column 1 lines 53-59). Therefore it would have been obvious to a person of ordinary skill at the time of this invention to provide a hermetical seal to Hwang's package as taught by Watanabe in order to protect against electrolyte leakage and moisture ingress.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Watanabe as applied to claim 2 above, and further in view of Suzuki et al. (US 4,659,636).

As to claim 3, Hwang and Watanabe disclose the limitation of claims 1 and 2, but neither Hwang or Watanabe expressly disclose a structure that is formed by fitting together an open top lower package and an upper package having a groove corresponding to an opening of the lower package by press fitting. Suzuki discloses (Figure 1), wherein a structure that is formed by fitting together an open top lower package (Element 18b) and an upper package having a groove (Element 19) corresponding to an opening of the lower package by press fitting. It would have been

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obvious to a person of ordinary skill in the art at the time of this invention to modify the battery pack of Watanabe with the press fitting structure as taught by Suzuki in order to provide an even sturdier seal.

7. Claim 1 and 4 rejected under 35 U.S.C. 103(a) as being anticipated by Watanabe et al. (US 6,492,058) in view of Hwang.

As to claim 1, Watanabe expressly discloses, in figure 2, a battery pack comprising: a battery block (Element 2) that houses one or more batteries in a battery package; a circuit block (Element 6) housing a circuit in a circuit package (Figure 3, Element 3), the circuit having a measurement function associated with at least one of a use condition of the batteries, a measurement function associated with performance of the batteries, and a protection function to protect the batteries (Column 4, lines 60-64); and an outer case (Element 1) capable of fitting in and housing the battery block and the circuit block. Watanabe does not expressly disclose wherein the battery block and the circuit block can be independently removed and replaced from the outer case.

Hwang discloses wherein the battery block (Figure 1, Element 18) and the circuit block (Element 14) can be independently removed and replaced from the outer case (Element 16) (Column 7 lines 7-10). It would have been obvious to a person having ordinary skill in the art to add Hwang's design for a more cost effective battery pack with Watanabe's battery pack, and create a battery pack that has components (Circuit and battery cells) that can be easily replaceable if they become damaged, defective, or whose lifetime has ended.

As to Claim 4, Watanabe discloses a battery pack (Figure 2) wherein the battery block (Figure 2, Element 2) has a connection terminal (Figure 11, seen on the battery, but not referenced) on a side facing the circuit block (Figure 2, Element 6) and the circuit block has a connection terminal (Figure 11, Element 1110) on a side facing the battery block.

8. Claim 5 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Hwang as applied to claim 4 above, in further view of Noh (US 6,387,567).

As to claim 5, Watanabe and Hwang disclose all the limitations in which claim 5 is dependent upon. Watanabe does not expressly disclose that the connection terminals are insert molded in the battery package and the circuit package. Noh teaches of creating a hermetic seal in which the terminals (Figure 3, elements 25 and 27) are insert molded (Column 5, lines 35-43). It would have been obvious to a person having ordinary skill in the art at the time of this invention to incorporate Noh's insert molded terminals into Watanabe package design because fixed terminals that had a hermetic seal molded around them are known to provide a more reliable seal than terminals that have not been insert molded into a hermetically sealed package.

As to claim 6, Noh discloses an insert molded terminals that branch out from the hermetically sealed package. Therefore using Noh's hermetically sealed design with Watanabe's battery pack and a circuit pack would yield the connection terminals and a tab of the battery have branched parts on each edge and are connected by engaging

the branched parts of the connection terminals and the branched parts of the tabs of the battery.

9. Claim 9- 11 is rejected under 35 U.S.C 103(a) as being unpatentable over Mito in view of Hwang.

As to Claim 9, Mito expressly discloses wherein the outer case is provided through at least one of the lower partition wall and upper partition wall (Figure 4a and 4b). Mito does not expressly disclose the outer case comprises tabs to electrically connect the batteries and the circuit. Hwang expressly discloses the outer case comprises tabs to electrically connect the batteries and the circuit (Column 3, lines 12-16 and lines 22-24). It would have been obvious to a person of ordinary skill in the art at the time of this invention to combine Hwang's connection design with Mito's case to create greater isolation between the battery package and circuit package by creating a physically barrier preventing the two from coming into physical contact.

As to claims 10 and 11, Mito expressly discloses where the battery pack has branched parts (Column 6, lines 55-56 and lines 58-59). Mito does not expressly disclose that the outer case contains tabs for electrical connection. Hwang expressly discloses that the outer case contains branched tabs (Column 3, lines 14-16). The use of outwardly biased contacts is commonly used in the art, as it will provide a force to keep the contacts connected. It is also widely known that a completely hermetic structure cannot be made for a battery pack because of the need for exposed terminals. Though, fixed terminals that breach the hermetic seal are more desirable than non-fixed

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ones. Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention to replace Mito's use of battery and circuit terminals that breach the hermetic wall with Hwang's use of fixed terminals that electrically interconnect the battery and circuit through a physical barrier (such as Mito's hermetically sealed wall), to provide a securer hermetic seal by eliminating an physical contact between the circuit and battery and by having only fixed electrical connectors breaching the seal (in which the seal was created around the connectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Grant whose telephone number is 571-272-2727. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

 12/10/04

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